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S E C R E T SECTION 01 OF 02 MANILA 005328

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DEPT FOR EAP, EAP/MTS, EAP/MLS
NSC FOR H. MORROW
SECDEF/OSD/ISA/AP FOR ALLEN

E.O. 12958: DECL: 11/15/2015

TAGS: [PREL](#) [PGOV](#) [PINS](#) [PINR](#) [RP](#)

SUBJECT: GRP CONTINUES TO CONSIDER EMERGENCY RULE

REF: A. MANILA 5166

- [1](#)B. MANILA 5137
- [1](#)C. MANILA 5126
- [1](#)D. MANILA 5023
- [1](#)E. MANILA 5018

Classified By: Charge d'Affaires, a.i., Paul W. Jones for reasons
1.4 (b) and (d).

[1](#)1. (S) Summary/Comment: EAP DAS John underscored the USG's firm opposition to the imposition of emergency rule or any other similar measures during separate meetings with President Arroyo, Foreign Secretary Alberto Romulo, and defense officials on November 11. Both Arroyo and Romulo indicated that they consider emergency rule, as provided for by the Constitution, to be a legitimate option. Other senior officials have told us that emergency rule is under active consideration, but reassured us that it is unlikely to be imposed imminently. It is unclear to us precisely what emergency rule provisions are under consideration, and for what purpose. A National Security Council meeting scheduled for November 15 may discuss the issue. Charge will continue to convey to senior officials our opposition to emergency rule, even within the bounds of the constitution, to senior officials in the coming days. End Summary/Comment.

[1](#)2. (S) During a November 11 meeting with President Gloria Macapagal Arroyo at Malacanang Palace (septel), EAP DAS Eric John asked about reports that the Arroyo Administration was considering emergency rule or other measures in response to perceived threats from the Opposition (ref A). He conveyed that emergency rule would raise significant concerns in Washington. Arroyo replied that the "Constitution defines what we can do," asserting that her administration may legally invoke certain emergency measures. (Note: There are several provisions under the 1987 Constitution which give the President certain limited emergency powers. End Note.) DAS John noted that although such measures technically are Constitutional, they would still send a worrying signal and that it would be hard for policy makers in Washington to put such moves in a positive context. DAS John also pointed out that the invocation of emergency measures could trigger a review of U.S. defense-related and other assistance to the Philippines. The President responded only with a defiant stare.

[1](#)3. (S) DAS John separately reiterated these USG concerns during a November 11 meeting with Foreign Secretary Alberto Romulo. Romulo assured John that the GRP would not take any extra-Constitutional measures, leaving the impression that Constitutional measures are indeed under consideration. He added that this government will do "everything the Constitution allows" to protect its position.

[1](#)4. (S) Senior defense officials appeared to be less concerned with the possibility of emergency rule during a November 11 working luncheon with DAS John. Undersecretary of Defense for Philippine Defense Reform Ernesto Carolina claimed that the matter was "newspaper talk." He added that the public would never support such a move and that most in the military would not, either. Undersecretary of Defense for Legal and Priority Affairs Rodel Cruz noted that the Department of National Defense has, as in the past, been involved in reviewing measures to take in case of any sort of national emergency situation "as part of day-to-day planning." He stressed that this review was "purely theoretical."

[1](#)5. (S) In a side conversation on November 8 in Davao City, cabinet-ranking Chairman of the Mindanao Economic Development Council "Jess" Dureza told Charge that emergency rule plans were in place to respond quickly to any extra-constitutional attack on the government. He acknowledged that some top officials, such as National Security Advisor Gonzales and Justice Minister Gonzalez, believed the government was already under siege by communists, terrorists and political opponents, but he doubted that the President would use emergency powers in the absence of a strong provocation. He said he would use the opportunity of a National Security Council meeting scheduled for November 15 to argue against any preemptive use of emergency powers.

16. (S) During a dinner in honor of DAS John on November 11, Speaker of the House Jose de Venecia raised emergency rule consideration with A/DCM, claiming that the "alliance" of party list leftists in Congress, the New People's Army, and Opposition figures might make such a step necessary. He said that his own efforts to achieve Constitutional change and improve the political system were actually aimed in part at undermining the temptation to resort to such measures. After defending the possible need for emergency measures at length, de Venecia claimed that he was "physically and emotionally exhausted" and would leave the Philippines if ever such measures were adopted, as he had during the Marcos martial law period.

17. (S) Comment: It is clearer than ever that consideration of such emergency measures is ongoing at very senior levels. Not clear is: whether any decision is imminent; what form emergency rule would take; or whether it might be imposed preemptively or only in response to a serious attack on the government. DAS John's visit provided a timely opportunity for a senior USG official to underscore our opposition unambiguously, a theme we will continue to reiterate at every opportunity, including upcoming meetings with Executive Secretary Ermita and National Security Advisor Gonzales.

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